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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,528	12/18/2000	Rabindranath Dutta	AUS920000919US1	2040
48916	7590	01/22/2007		
Greg Goshorn, P.C. 9600 Escarpment suite 745-9 AUSTIN, TX 78749			EXAMINER DENNISON, JERRY B	
			ART UNIT 2143	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/740,528	DUTTA, RABINDRANATH	
	<b>Examiner</b>	<b>Art Unit</b>	
	J. Bret Dennison	2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This Action is in response to the Board Decision of Application Number 09/740,528 received on 22 September 2006.
2. Claims 1-21 are presented for examination.
3. The prosecution for this case has been transferred to another Examiner. All corresponding communications should be directed to Examiner's contact information provided below.
4. In view of the Board Decision, filed 9/22/2006, the previous rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of DiNicola et al. (U.S. 6,288,753) in view of Sonnenfeld (U.S. 6,418,298) as provided below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiNicola et al. (U.S. 6,288,753) in view of Sonnenfeld (U.S. 6,418,298).

5. Regarding claims 1, 8, and 14, DiNicola disclosed a method, system and computer program product for administering exam content from a server to at least one

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client over a network (DiNicola, Abstract, col. 3, lines 31-33, col. 4, lines 51-67, and col. 5, lines 1-7), the method comprising:

registering at least one exam submitted by an exam provider with the server (DiNicola, col. 4, lines 51-67; col. 5, lines 1-7 and 49-67; col. 6, lines 1-21; and col. 11, lines 65-67);

transmitting a video frame of a student to the server to verify the identity of the student (DiNicola, col. 8, lines 23-30; DiNicola disclosed the a video recording of student classrooms through a student classroom display station in which the instructor has the ability to observe "the students themselves"; col. 7, line 60 through col. 8, line 11, DiNicola disclosed that any video recording means includes a "live/ real-time" video signal that is archived, meaning that any video is sent to a server or video production studio);

generating a transcript in response to answers submitted by the student to at least one exam question resident on the server (DiNicola, col. 13, lines 37-64, DiNicola disclosed a test-scoring scripts engine which grades the submitted exam and stores all relevant data in the database); and

providing access to the transcript to at least one third party (DiNicola, col. 13, line 65 through col. 14, line 16, and col. 14, lines 25-30, DiNicola provides access to the testing data to students as well as administrators).

While DiNicola did disclose the fact that a test administrator has the ability to create an exam and the students have access to it immediately while a class is being given, and DiNicola disclosed, as shown above, that students are observed through

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video (DiNicola, col. 8, lines 23-30) as well as all video is archived (DiNicola, col. 7, line 60 through col. 8, line 11) it would have been obvious to one of ordinary skill in the art at the time the invention was made that students are observed while a class is being given. Since DiNicola disclosed the exams being given while a class is being given, it would have been obvious to one of ordinary skill in the art that the instructor has the ability to observe students while they are taking the exam and the video is archived at a server.

However, DiNicola did not explicitly state transmitting a video frame of a student to the server at least during the exam to verify the identity of the student.

In an analogous art, Sonnenfeld disclosed a test server and web server (Sonnenfeld, col. 3, lines 5-10) in which students are provided with a exam, in which it may be desired to seek to prevent a user from viewing or receiving information other than that provided by a test designer, such prevention being possible through the use of a video camera, for example, video conferencing, to proctor the test (Sonnenfeld, col. 3, lines 30-40).

The teachings of DiNicola disclosed the required structure for transmitting video to a server while a student is taking an exam. Sonnenfeld actually disclosed proctoring the test through transmitting video to a server. Therefore it would have been within the level of one of ordinary skill in the art to use the teachings of Sonnenfeld in the system of DiNicola.

Therefore, it would have been obvious for one of ordinary skill in the art to incorporate the proctoring of Sonnenfeld in the system of DiNicola to provide the

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instructor/test designer with the ability to remotely proctor students taking exams for the benefit of reducing the levels of cheating.

6. Regarding claims 2, 10 & 16, DiNicola and Sonnenfeld disclosed the limitations, substantially as claimed, as described in claims 1, 8, and 14, including providing an exam content generator with access to registered exams on the server, (Col. 11, lines 48-67; Col. 12, lines 1-67 and Col. 13, lines 1-47).

7. Regarding claims 3, 9, and 17, DiNicola and Sonnenfeld disclosed the limitations, substantially as claimed, as described in claims 1, 8, and 14, including providing an exam grader with access to student's answers on the server, (Col. 13, lines 37-64 and Col. 17, lines 44-60).

8. Regarding claims 5, 20, and 21, DiNicola and Sonnenfeld disclosed the limitations, substantially as claimed, as described in claims 1, 8, and 14.

DiNicola and Sonnenfeld did not explicitly state wherein the transcript further comprises at least one video image of the student.

However, as explained above, since DiNicola disclosed that students are observed through video (DiNicola, col. 8, lines 23-30) and all video is archived (DiNicola, col. 7, line 60 through col. 8, line 11) it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the archived data with the particular student to enable the instructor to monitor a plurality of students

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during one exam and be able to replay each archived video of each student to provide the instructor with the ability to check for cheating.

9. Regarding claims 6, 12, and 18, DiNicola and Sonnenfeld disclosed the limitations, substantially as claimed, as described in claims 1, 8, and 14, including registering a plurality of exams with the server (DiNicola, col. 4, line 51 through col. 5, line 7; col. 5, lines 49-67; col. 6, lines 1-21, and col. 11, lines 65-67).

10. Regarding claims 7, 13 and 19, DiNicola and Sonnenfeld disclosed the limitations, substantially as claimed, as described in claims 1, 8, and 14, including recording a student's answers to at least one exam question presented by the server; and grading the student's answers to generate an exam result, (Col. 13, lines 37-64).

11. Regarding claim 11, DiNicola and Sonnenfeld disclosed the limitations, substantially as claimed, as described in claims 1, 8, and 14, including wherein the server comprises a means for accepting and storing video images of the student (DiNicola, col. 7, lines 55-67).

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status



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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

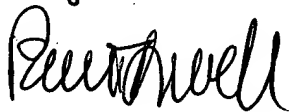


J. B. D.

Patent Examiner

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*Reopening approved.*



PAUL SEWELL  
ACTING DIRECTOR